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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/930,039

08/14/2001

Stuart D. Asakawa

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05/06/2004

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EXAMINER

AMINZAY, SHAIMA Q

ART UNIT

PAPER NUMBER

2684

4

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,039

Applicant(s)

ASAKAWA, STUART D.

Examiner

Shaima Q. Aminzay

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8, 11-13 and 16 is/are rejected.
- 7) ☐ Claim(s) 4-5, 9-10, 14-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2, 3, 3/21/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

1. This is the first Action, application filed on 8/14/2001.
2. Independent claims 1, 7, 12, and dependent claims 2-3, 6, 8, 11, 13, and 16 are pending in the case.
3. Independent claims 4-5, 9-10, and 14-15 are objected.
4. The present title of the application is "Wireless Mobile Device Network"

NONE FINAL ACTION

Claim Rejections - 35 USC § 102

- ◆ The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 6-8, 11-13, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sorensen U. S. Publication Number 20020061009.
6. Regarding claim 1, Sorensen teaches a method for forming a wireless network (see for example, Figure 7, paragraph [0053], and lines 1-4) comprising the following steps: (a) broadcasting a network invitation signal to a potential

member of the wireless network that are within a range of the wireless network (see for example, paragraph [0032], lines 1-4, and [0033], lines 1-6); and, (b) upon a potential member of the wireless network responding affirmatively to join the wireless network (see for example, paragraph [0033], lines 6-12), performing the following substeps: (b.1) obtaining identification information from the potential member (see for example, paragraph [0033], lines 3-6), and (b.2) including the potential member within the wireless network (see for example, paragraph [0033], lines 6-12).

7. Regarding claims 7, and 12, Sorensen teaches a storage media which when executed on a computing device (see for example, paragraph [0066], lines 1-12), and a method by which a potential member interacts with a wireless network (see for example, paragraph [0033], lines 2-12), the method comprising the following step: (a) upon the potential member receiving a broadcast network invitation signal to join the wireless network (see for example, paragraph [0033], lines 1-12) performing the following substeps by the potential member: (a.1) when the potential member wishes to join the wireless network (see for example, paragraph [0033], lines 1-3), performing the following substeps: responding affirmatively to the broadcast network invitation signal to join the wireless network (see for example, paragraph [0033], lines 10-12), and providing identification information to the wireless network in response to a request for the identification information (see for example, paragraph [0033], lines 6-8), and (a.2) when the potential member does not wish to join the wireless network (see for example,

paragraph [0052], lines 1-7), performing the following substep: responding negatively to the broadcast network invitation signal to join the wireless network (see for example, paragraph [0052], lines 1-7).

8. Regarding claim 2, Sorensen teaches claim 1, and further teaches a second potential member of the wireless network responding negatively to join the wireless network, excluding the second potential member from the wireless network (see for example, paragraph [0052], lines 1-7).
9. Regarding claims 3, and 8, Sorensen teaches claims 1, 7, and further teaches potential members of the wireless network include users with one of the following devices: a personal digital assistant; a notebook computer; a cellular phone; a pager (see for example, paragraph [0002], lines 1-4, and [0032], lines 1-4).
10. Regarding claims 6, and 11, and 16, Sorensen teaches claims 1, 7, and further teaches the range of the wireless network includes public, and private networks (see for example, paragraph [0023], lines 1-8, for example that can include store site; a sports stadium; a sports pavilion; a museum; a tourist site; a university; a school; an apartment complex; a home; a manufacturing location; a research site, and etc.).

Allowable Subject Matter

11. Claims 4-5, 9-10, and ~~11~~14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art specifically Sorensen failed to render obviousness in combination or individually and failed to anticipate individually the following underlined limitations:

“the following step: (c) upon the potential member selecting to log out of the wireless network, excluding the potential member from the wireless network” as disclosed in claim 4, 9, and 14.

“the following step: (c) upon the wireless network losing contact with the potential member, excluding the potential member from the wireless network” as disclosed in claim 5, 10, and 15.

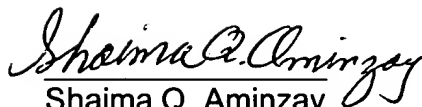
These limitations, in combination with the other limitations recited in the independent claims are not anticipated or suggested by the prior art.

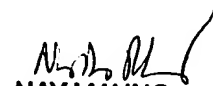
Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Haartsen, Contemporaneous Connectivity to Multiple Piconests
3. Souissi, Method and Device for Selecting a Wireless Communication Path

Inquiry

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 703-305-8723. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service telephone number is 703-305-3900.


Shaima Q. Aminzay
(Examiner)


NAY MAUNG
SUPERVISORY PATENT EXAMINER
Nay Maung
(SPE)
Art Unit 2684

April 30, 2004